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REMARKS

Claims 1-4 remain pending in this application. Claims 1-4 are rejected. Claim 1 is amended to incorporate a portion of the subject matter of claim 3 which is restated in a manner which is intended to clearly relate the subject matter without narrowing the scope thereof. Claim 2 is amended to address a matter related to form and not substance. Claims 3 and 4 are amended to remove subjected matter now recited in claim 1 and to more broadly and clearly relate the "pusher" as any biasing device.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claim 1 is rejected as obvious over the Hsu reference in view of the Usui '650 reference under 35 U.S.C. §103(a). Claims 2-4 are rejected as obvious over the Hsu reference in view of the Usui '650 reference and further in view of the Salatino reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that a *prima facie* case of obviousness cannot be established in rejection of amended claims 1-4 and was not established in rejection

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of claims 3 and 4. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection".

Claim 1 of the present invention has incorporated in it features of claim 3 and 4 including:

a chamber having an opening and configured to contain the fingerprint reader, the chamber being configured to receive a finger through the opening; [and]

a lid configured to open and close the opening of the chamber, the lid being rotatably supported to rotate inward with respect to said chamber to open the opening of the chamber when urged by insertion of the finger and to allow access to the fingerprint reader by the finger to input the fingerprint[.]

The chamber in the Usui reference does not have a lid which opens inward when urged by a finger to allow access of the finger to the fingerprint reader.

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Instead, the lid 13 in the Usui reference opens upward which requires two separate actions to input a fingerprint. The first action is to open the lid upward and the second action is the insertion of the finger. The configuration of the present invention allows single motion entry of the fingerprint. Namely, the lid is opened by only natural operation of inserting the finger into the chamber when the fingerprint is read by the fingerprint reader, so that the power supply circuit is turned on. This improves the functioning of the apparatus while the fingerprint reader reads the fingerprint.

The lid is so supported as to be opened when pushed toward the inside of the chamber by rotation, so that the finger inserted into the chamber maintains the opened position of the lid. Namely, the finger inserted into the chamber prevents from returning the lid to the closed position and maintains the power supply circuit to be turned on, so that the fingerprint reader can surely read the fingerprint. Further, when the finger is pulled back from the chamber, the lid returns to the closed position by at least gravity to turn off the power supply circuit through the switch interlocked with the lid. This can surely reduce the power consumption of the locking apparatus.

The Salatino reference has a movable electrically conductive cover 53' covering the dielectric layer 52. However, the cover 53' shown is slidably connected to the package 51. The Salatino reference is silent concerning how

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pivotaly disposed cover may be oriented with respect to the fingerprint reader in that it merely discloses such an option in the text and shows no mechanical configuration.

However, the dielectric layer 52 is exposed on an upper surface of the package 51. Therefore, Salatino does not have a chamber which is containing the dielectric layer 52 and formed in a shape to receive a finger through the opening. That is, the movable conductive cover 53' is slidably connected to the package 51 and covers the dielectric layer 52, so that the movable conductive cover 53' slidably opens and closes the dielectric layer 52.

Accordingly, when a fingerprint is read, the movable conductive cover 53' is slid along the surface of the package 51 to the opened position avoiding the dielectric layer 52. Then, a finger is placed on the dielectric layer 52. Accordingly, Salatino needs the operation for sliding the movable conductive cover 53' in addition to the operation of placing the finger on the dielectric layer 52 for reading the fingerprint. Therefore, Salatino does not obtain the effect that the movable conductive cover 53' is opened by only natural operation of inserting the finger into the chamber when the fingerprint is read by the fingerprint reader.

Since Salatino does not have a chamber the movable conductive cover 53' of Salatino is quite differs from the cover 13 of Usui. Accordingly, substitution of the movable conductive cover 53' of Salatino in Usui instead of the cover 13 of

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Usui does not functionally follow. That is, if the movable conductive cover 53' of Salatino is applied to Usui, it would merely cover the detective window 11 of Usui and slidably open and close the detective window 11 of Usui and not replace the hinged cover of the Usui reference.

In view of the deficiencies of the presently cited references the Examiner theorizes that one might look to a totally unrelated field of art such as an ashtray in a vehicle. Aside from being unrelated, applicant is not aware of any ashtray design that would be opened by pushing a lid inward. To do so would be remarkably impractical since a lit cigarette pushing upon a lid would knock the ash and mostly the burning ember off the end of the cigarette prior to ashtray access and would also result in the outside of the lid being soiled. Furthermore, an ashtray is not a device that would welcome insertion of one's and therefore would not be an art looked to for solving the need of the present invention. Applicant respectfully requests the Examiner to provide documentation of the asserted "conventional practice" that would be suggestive of combination with the other references.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1-4 and their allowance are respectfully requested.

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It is further noted that the above discussed feature of the inwardly pivoting lid was present in the originally filed claims. As such, the present amendments cannot necessitate new grounds for rejection as the present rejections are respectfully submitted as failing to have been established. Accordingly, it is respectfully submitted that a next Office Action cannot be made final.

IDS SUBMISSION

Submitted herewith is an Information Disclosure Citation (IDC) and Information Disclosure Statement. A copy of a machine translation of the Usui '650 Japanese patent publication is provided herewith. The Examiner first cited the reference in the Office Action issued June 16, 2005, but only provided a partial English translation and an incomplete set of figures. It is presumed the Examiner is in possession of a complete copy of the Japanese reference as he is party who initially discovered the reference. Applicant provides herewith only the copy of the noted translation.

If there is any fee due, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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